

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

**TORIAN ALEXANDER, *individually and
on behalf of all others similarly situated*** §
v. § § 1:13-CV-376
§
**DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for Morgan Stanley
ABS Capital I Inc. Trust 2005-HE7,
Mortgage Pass-Through Certificates, Series
2005-HE7, JPMORGAN CHASE BANK,
N.A., and NATIONWIDE TITLE
CLEARING, INC.** §

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial proceedings. (Doc. No. 7.) Pending before the court is a “Motion to Dismiss Pursuant Rule 12(b)(6)” (Doc. No. 52) filed by JPMorgan Chase Bank, N.A. and Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ASB Capital 1 Inc. Trust 2005-HE7 Mortgage Pass-Through Certificates, Series 2007-HE7, and a “Motion to Dismiss For Failure to State a Claim” (Doc. No. 53) filed by Nationwide Title Clearing, Inc. The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 77), recommending that the court grant the Defendants’ motions. No objections were filed to the magistrate judge’s report and recommendation, and the time for doing so has passed.

It is therefore **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 77) is **ADOPTED**; and the Defendants’ motions to dismiss (Doc. Nos. 52 and 53) are **GRANTED**. Plaintiff Torian Alexander’s claims are dismissed with prejudice. The unnamed

class members' claims are dismissed without prejudice. A final judgment will be entered separately.

So **ORDERED** and **SIGNED** this **11** day of **September, 2014**.



Ron Clark, United States District Judge